

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

IN RE: CESSNA 208 SERIES AIRCRAFT) MDL No. 1721
PRODUCTS LIABILITY LITIGATION)
) Case No.: 05-md-1721-KHV
(This document relates to all cases.))

THIRD AMENDED CASE MANAGEMENT ORDER

This Third Amended Case Management Order shall govern this multi-district litigation as follows:

1. All discovery on individual case issues may continue until remand and after remand until the court on remand determines that it should be concluded.
2. Discovery taken in the MDL, including written discovery and depositions, may be used by any party to any case which has been or which is in the future transferred to the MDL.
3. No party in any case currently pending in the MDL or which is transferred to the MDL in the future shall repeat written discovery or depositions which have already been done in the MDL. Parties in cases currently pending in the MDL or which are transferred to the MDL in the future may propound written discovery or take additional depositions of the same witnesses, limited to new matters only.
4. Expert disclosures made in the MDL on "common MDL issue" expert witnesses shall be binding in all MDL cases.
5. The deadline for any motion to use a bellwether or exemplar trial procedure is **October 17, 2008**.
6. All discovery to be done in the MDL shall close by **November 21, 2008**. This date may be extended for good cause shown and upon further specific order of the Court.
7. A final pretrial conference regarding the "common MDL issues" is scheduled for **10:00 a.m.** on **January 9, 2009**, before Magistrate Judge David J. Waxse and will

be held by teleconference. The Court will initiate the conference call to counsel identified in the proposed pretrial order at the telephone contact numbers listed on the docket. The proposed pretrial order shall be in the form (revised March 2008) available on the Court's website (www.ksd.uscourts.gov) or another form agreed by the parties. The parties shall submit via e-mail to the Magistrate Judge (but not file with the Clerk's Office) their joint proposed pretrial order or, if the parties cannot agree on the form for the pretrial order, a statement listing and describing their disputes as to the form by **December 12, 2008**.

8. Potentially dispositive motions (e.g., motions for summary judgment) and motions to exclude testimony of expert witnesses pursuant to Fed. R. Evid. 702-705, *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), or similar case law, may be filed by **January 30, 2009**, for consideration in the MDL. Summary judgment motions, as well as motions to exclude testimony of case-specific expert witnesses, evidentiary and other individual motions may also be filed in the individual cases in the transferor courts following remand. Motions to exclude testimony of common issue experts, as defined in the Case Management Order (doc. 368), ¶ 7, must be filed in the MDL by **January 30, 2009**.

9. For cases transferred to the MDL after April 30, 2008, provided that such defenses have been timely preserved, any motions to dismiss for lack of personal jurisdiction, venue, propriety of the parties, or failure to state a claim upon which relief can be granted shall be filed by **January 30, 2009**.

10. For cases transferred to the MDL after April 30, 2008, the parties shall serve preliminary witness and exhibit disclosures pursuant to Fed. R. Civ. P. 26(a)(3)(A) and (C) by **March 2, 2009**.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 2nd day of October, 2008.

s/ David J. Waxse

David J. Waxse

United States Magistrate Judge

Submitted and approved by:

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